

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

ROCKIE PICKENS,

PLAINTIFF

V.

NO. 4:05CV258-P-D

ETHEL CARLIZE, ET AL,

DEFENDANTS

**ORDER DENYING APPLICATION TO PROCEED *IN FORMA PAUPERIS*,
DISMISSING COMPLAINT, AND BARRING PLAINTIFF FROM FILING FUTURE
PRO SE IN FORMA PAUPERIS COMPLAINTS**

This matter is before the court, *sua sponte*, for consideration of dismissal. Plaintiff, an inmate at the Mississippi State Penitentiary at Parchman, has submitted an application to proceed *in forma pauperis* and a *pro se* complaint pursuant to 42 U.S.C. § 1983 in which he alleges that his constitutional rights were violated in a disciplinary proceeding. He seeks monetary damages and injunctive relief.

The Prison Litigation Reform Act was enacted in April 1996. This Act provides, *inter alia*, at 28 U.S.C. § 1915(g)

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

In case 4:03CV228-P-A, *Pickens v. Minton, et al*, this court dismissed the complaint for failure to state a claim upon which relief could be granted. He appealed the dismissal to the United States Court of Appeals for the Fifth Circuit, which dismissed the appeal as frivolous. Case number 2:00CV243-P-G, *Pickens v. Eubanks, et al*, was dismissed by the Federal District Court for the Southern District of Mississippi for failure to state a claim upon which relief could be granted.

Therefore, Pickens has accumulated three strikes under the grounds specified above and is not eligible to bring *pro se in forma pauperis* complaints in federal court. Accordingly, it is hereby

ORDERED:

1) the motion to proceed *in forma pauperis* is denied;

2) pursuant to 28 U.S.C. § 1915(g), the plaintiff is barred from filing any future *pro se in forma pauperis* complaints without permission of one of the judges of the court; and

3) this matter is closed.

THIS the 7th day of December, 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE